

PROB 12A  
(6/16)**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Jul 20, 2023**

SEAN F. McAVOY, CLERK

**Report on Offender Under Supervision**  
*(No Action Requested)*

Name of Offender: Michael Thomas Van Dyke Case Number: 0980 2:15CR00025-WFN-1

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 28, 2015 Type of Supervision: Supervised Release

Original Offense: Travel With Intent to Engage In Illicit Sexual Conduct, 18 U.S.C. § 2423(b) Date Supervision Commenced: May 31, 2023

Original Sentence: Prison - 36 months Date Supervision Expires: July 30, 2030  
TSR - 120 months

Revocation Sentence: Prison - 3 months  
(October 30, 2018) TSR - 120 months

Revocation Sentence: Prison - 6 months  
(February 24, 2020) TSR - 120 months

Revocation Sentence: Prison - 8 months  
(March 2, 2021) TSR - 113 months, 7 days

Revocation Sentence: Prison - 9 months  
(September 13, 2022) TSR - 86 months

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**NONCOMPLIANCE SUMMARY**

On June 1, 2023, the offender's conditions were reviewed by the probation officer and he signed said conditions acknowledging an understanding of his requirements.

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b><u>Special Condition #17:</u></b> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><b><u>Supporting Evidence:</u></b> The offender is alleged to have violated special condition number 17, by ingesting a controlled substance, marijuana, on or about June 6, 2023.</p> <p>On June 6, 2023, Mr. Van Dyke submitted a urine specimen at the U.S. Probation Office that returned positive for marijuana. At that time, he admitted to the probation officer that he used marijuana approximately 2 days prior.</p>

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- 2            **Special Condition #17:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 17, by ingesting a controlled substance, marijuana, on or about June 23, 2023.

On June 23, 2023, the offender submitted a urine specimen at Pioneer Human Services (PHS) that returned presumptive positive for marijuana. At that time, he signed an admission/denial form indicating his last use of marijuana was on or about May 28, 2023. The urine specimen was thereafter sent to the national drug testing laboratory and was confirmed positive for marijuana.

The urine specimen collected on the above-referenced date has been determined to be new use, as a urinalysis test collected on June 16, 2023, returned negative for illicit substances.

- 3            **Special Condition #17:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 17, by ingesting a controlled substance, marijuana, on or about July 11, 2023.

On June 11, 2023, the offender admitted to the probation officer that he used marijuana on or about that same date.

- 4            **Special Condition #17:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is alleged to have violated special condition number 17, by failing to report to PHS for drug testing on or about July 10, 2023.

The probation officer received email correspondence from PHS indicating the offender failed to report for urinalysis testing on July 10, 2023.

**U.S. Probation Officer Action:**

The probation officer has admonished Mr. Van Dyke for his continued drug use and he was referred to PHS for an evaluation. At which time, it was recommended that he participate in intensive outpatient treatment. There has been a delay in Mr. Van Dyke starting treatment due to the treatment provider having limited availability for appointments; however, he should be commencing treatment soon. He has also been enrolled in the random urinalysis testing program.

When questioned regarding his marijuana use, the offender advised that he began using marijuana regularly when he moved to the current motel where he resides. He further indicated that patrons outside the motel smoke marijuana and have offered it to him. In response, the probation officer spoke to the offender about ways he can avoid use and

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informed him that if the motel is the problem, then he will need to secure alternate housing. It should be noted, the offender also submitted a urine specimen on June 26, 2023, that returned presumptive positive for marijuana; however, the national laboratory indicated the result was not due to new use.

Mr. Van Dyke recently participated in a mental health evaluation with Robert Shepard, which recommended he participate in mental health sessions twice per month. He is also engaged in sex offender treatment with Priscilla Hannon.

As previously noted, Mr. Van Dyke is currently residing in a motel which is being paid for by his father. This officer attempted to secure a bed at the residential reentry center (RRC) for the offender; however, there is currently no bed space available.

Given that the offender has not yet commenced substance abuse treatment, the probation officer is requesting that the Court take no action at this time. If his use continues, the undersigned will request Court action at that time.

It is hoped that the intermediate sanction imposed meets the expectations of the Court. Please advise the undersigned if Your Honor requires a different course of action or a court appearance by the offender.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On:

July 19, 2023

s/Lori Cross

Lori Cross

U.S. Probation Officer

- ☒ Court Concurs with Officer Action  
☐ Submit a Request for Modifying the Condition or Term of Supervision  
☐ Submit a Request for Warrant or Summons  
☐ Other



Signature of Judicial Officer

7/20/2023

Date